

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Bernardo Gutierrez	Team: Team # 5	CCRB Case #: 201403254	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 04/05/2014 3:00 AM	Location of Incident: Atlantic Avenue and Buffalo Avenue	Precinct: 81	18 Mo. SOL 10/5/2015	EO SOL 10/5/2015	
Date/Time CV Reported Mon, 04/07/2014 9:05 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/07/2014 9:05 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Salvatore Melore	02092	952004	081 PCT
2. POM Gerard Cash	18279	951594	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Gerard Cash	Discourtesy: PO Gerard Cash spoke discourteously to § 87(2)(b)	
B.POM Salvatore Melore	Discourtesy: PO Salvatore Melore spoke discourteously to § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

On April 5, 2014, at approximately 3 a.m., PO Gerard Cash and PO Salvatore Melore, of the 81st Precinct, stopped § 87(2)(b)'s vehicle at the intersection of Atlantic and Buffalo Avenues, in Brooklyn, after PO Cash observed him using a cellular phone. During his interaction with the officers, § 87(2)(b) alleged that PO Cash said the following: "Shut the fuck up, man," "Yeah, fuck off," and "Shut the fuck up" (**Allegation A**). He alleged that PO Melore made a statement to the effect of, "Give me the paperwork or I'll snatch you out of the fucking car" and later said, "Give me the fucking paperwork or I'll snatch you out of the car," "Just shut the fuck up" and "What are you showing me that shit for?" (**Allegation B**). § 87(2)(b) alleged he heard both officers say, "fuck off" and "fuck you," but could not say who made either statement (**Allegations A and B**). § 87(2)(b) was issued a summons for use of an electronic device while driving. § 87(2)(g), § 87(4-b)

§ 87(2)(g)

Mediation, Civil and Criminal Histories

§ 87(2)(b) originally accepted mediation. The case was returned from the mediation unit on September 8, 2014, upon § 87(2)(b) requesting an investigation. § 87(2)(b) has not filed a notice of claim regarding the incident as of December 5, 2014, five months after the filing deadline (encl. 7). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 1C).
- PO Cash has been a member of the NYPD for two years, has had two allegations involving two cases with no substantiated allegations. § 87(2)(g)
- PO Melore has been a member of the NYPD for two years with no prior allegations made against him (encl. 1B).

Findings and Recommendations

Allegations Not Pleaded

- § 87(2)(g)

Recommendations

Allegation A- Discourtesy: PO Gerard Cash spoke discourteously to § 87(2)(b)

Allegation B- Discourtesy: PO Salvatore Melore spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged multiple discourteous statements against both officers, which are summarized above. PO Cash denied he or his partner used profanity during the incident. PO Cash denied making any of the alleged statements and denied hearing his partner say them. PO Melore said that he did not recall whether he or his partner used profanity. In reference to the specific statements alleged, he denied the use of some of the statements by himself or his partner and did not recall whether either officer made the others.

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted].

§ 87(2)(g), § 87(4-b) [Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]

[Redacted]
[Redacted]
[Redacted]

Team: Field

Investigator:	_____	<u>Bernardo Gutierrez</u>	<u>12/16/14</u>
	Signature	Print	Date
Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date